

IX. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

The text of the claims on appeal is:

- 1) (Previously Entered) A recombinant potyvirus infectious nucleic acid construct useful for plant cross protection, the construct comprising a full length clone characterized by a single mutation, said single mutation residing in its HC- Pro gene conserved FRNK box encoding sequence said single mutation encoding a substitution of Arg by Ile; wherein the construct is capable of systemic infection of a plant; wherein said systemic infection induces a mild form of disease; and wherein said systemic infection affords cross protection against a subsequent potyvirus infection.
- 2) (Previously Entered) A recombinant construct according to claim 1 wherein the nucleic acid is cDNA or an RNA transcript.
- 3-5) (Cancelled)
- 6) (Currently Amended) A recombinant potyvirus infectious nucleic acid construct according to any one of claims 1 and 2 wherein the potyvirus is ZYMV.
- 7-9) (Cancelled)
- 10) (Previously Entered) A recombinant construct according to claim 6 wherein said cross protection is against severe strains of ZYMV.
- 11) (Currently Amended) A recombinant potyvirus infectious nucleic acid construct according to any one of claims 1, 2 and 6 wherein the potyvirus is selected from BCMV, BYMV, BtMV, MWMV, OYDV, PRSV, PSrV, PepMoV, PVMV, CGVBV, GEV, ISMV, JGMV, LYSV, LMV, MDMV, PPV, PVA, PVV, PVY, SCMV, SPFMV, TEV, TVMV, TBV, TuMV, WMV-2, YMV and ZYFV.

12) (Currently Amended) A recombinant construct according to any one of claims 1, 2, 6, 10 and 11 further useful for the transient expression of foreign nucleic acid in plants wherein the full length clone has, in any position, a sequence of DNA or RNA inserted into the full length clone.

13-14) (Cancelled)

15) (Previously Entered) A method for introducing foreign nucleic acid into plants comprising infecting a plant with a recombinant potyvirus infectious nucleic acid construct as defined in claim 11.

16-19) (Cancelled)

20) (Currently Amended) Compositions for plant inoculation or for transient expression of foreign nucleic acid in plants containing, as an active ingredient, the recombinant construct according to any one of claims 1, 2, 6, 10, 11 and 12.